

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Division regarding a medical fee dispute between the requestor and the respondent named above. This dispute was received on 3/24/03.

I. DISPUTE

Whether there should be reimbursement for assistant surgeon fees 63047-80, 63048-80, 22630 51-80, 22625-80, 22650-80, 22842-80 and 20975-80 for surgery performed 12/10/02 and denied by the carrier as not meeting fee guidelines.

II. RATIONALE

According to the operative report dated 12/10/02, the report indicates surgeon ____ was assisted by requestor ____ during this procedure. The report indicates that surgery occurred from 9:05 a.m. through 11:55 a.m. for 2 hours and 50 minutes. The operative report is not specific about whether or not the assistant surgeon was necessary to assist in the surgery, but the 1996 Medical Fee Guideline identifies modifier -80 as "... Documentation on the operating room record shall indicate the amount of time spent by the assistant surgeon in the operative session and the need for the assistant surgeon. Documentation shall substantiate the attendance of the assistant surgeon 70% of the time during the performance of one operative session..."

The operative report indicates that ____ was present during surgery from 9:00 a.m. through 10:20 and again from 11:25 through 11:50 am for a total of 105 minutes in surgery. Per the MFG, the assistant surgeon must be present for 70% of the surgery, which is 119 minutes. Therefore, reimbursement is not due as the need for the assistant surgeon is not stated in the operative report and the requestor did not meet the minimum amount of time necessary in surgery. On this basis, reimbursement is not recommended.

III. DECISION

Based upon the review of the disputed healthcare services within this request, the Division has determined that the requestor **is not** entitled to reimbursement for assistant surgeon fees 63047 80, 63048 80, 22630-51-80, 22625-80, 22650-80, 22842-80 and 20975-80.

The above Findings and Decision are hereby issued this 04th day of March 2004.

Noel L. Beavers
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Medical Review Division

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